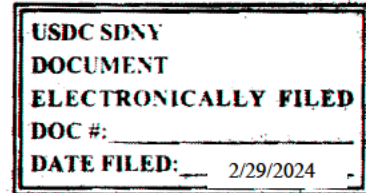


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



-----X  
**KEVIN DE LA CRUZ, et al.,**

**Plaintiffs,**

**22-CV-03053 (SN)**

**-against-**

**FINAL PRETRIAL  
SCHEDULING ORDER**

**MDBH MOBILE 3 INC., et al.,**

**Defendants.**  
-----X

**SARAH NETBURN, United States Magistrate Judge:**

**Pretrial Order.** The parties must submit a joint proposed Pretrial Order by May 20, 2024. This order must follow my Individual Rules of Practice and include the following:

- a. the full caption of the action;
- b. the names, law firms, addresses, telephone and fax numbers, and email addresses of trial counsel;
- c. a brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by either party as to the presence or absence of subject matter jurisdiction. Such statements must include citations to all statutes relied upon and relevant facts as to citizenship and amount in controversy;
- d. a brief summary by each party of the claims and defenses that the party asserts remain to be tried, including citations to any statutes on which the party relies. Such summaries should also identify all claims and defenses previously asserted that are not to be tried;
- e. a statement as to the number of trial days reasonably anticipated;
- f. any stipulations or agreed statements of fact or law to which all parties consent;
- g. a list of all trial witnesses and a brief summary of the substance of each witness's testimony;
- h. a list by each party of exhibits to be offered in its case-in-chief, with a single asterisk (\*) indicating exhibits to which the opposing party objects based on authenticity, and

two asterisks (\*\*) indicating exhibits to which the opposing party objects based on any grounds other than authenticity and indicating the basis for the objection.

- i. a statement of the damages claimed and any other relief sought, including the manner and method used to calculate any claimed damages and a breakdown of the elements of such claimed damages; and
- j. a statement of whether the parties consent to less than a unanimous verdict.

Furthermore:

- a. if a party believes it would be useful to the Court, a party also may submit a pretrial memorandum of law addressing any issues of law that are expected to arise at or before trial. Such brief shall be filed on the same day as the joint proposed Pretrial Order, or May 20, 2024. Any opposition to a legal argument in a pretrial memorandum of law must be filed by June 3, 2024.
- b. any motions *in limine* must be filed on the same day as the joint proposed Pretrial Order, or May 20, 2024. Any opposition to a motion *in limine* must be filed by June 3, 2024;
- c. the parties must prepare two (2) copy sets of three-ringed binder(s) that each includes every documentary exhibit that they seek to admit, pre-marked and assembled sequentially with exhibit numbers. The parties shall deliver these two sets of binders to Chambers on the same day as the joint proposed Pretrial Order, or May 20, 2024.

As this matter is scheduled for a jury trial, along with the joint proposed Pretrial Order the parties must submit proposed:

- a. *voir dire* questions to be asked of prospective jurors;
- b. requests to charge; and
- c. verdict form(s).

The parties must meet and confer in an effort to reach agreement with respect to these submissions. They should make a joint submission with respect to those items that are agreed upon, and separate submissions with respect to those submissions on which the parties cannot reach agreement. Separate submissions must briefly state why the Court should use the proposed charge or question and cite to supporting authority.

**Final Pretrial Conference.** A final pretrial conference shall be held on June 13, 2024, at 11:00 a.m. in Courtroom 219, Thurgood Marshall Courthouse, 40 Foley Square, New York, New York.

**Trial.** This case will be tried to a jury during the week of June 24, 2024. The trial should last no more than five days.

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

DATED: February 29, 2024  
New York, New York